

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Michael Anthony Pugel; Douglas Edward Lankford;  
John Joseph Curtis III; Keith Reynolds Wehmeyer;  
Mike Arthur Derrenberger; Terry Wayne Lockridge;  
Andrew Eric Bowyer

Filed : 12 September 2005

For : APPARATUS AND METHOD FOR DISTRIBUTING  
SIGNALS

Examiner: Robert J. Hance

Art Unit : 2421

**APPEAL BRIEF**

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Kathleen Lyles

**Table of Contents**

<u>Appeal Brief Section</u>	<u>Page Number</u>
Real Party in Interest	3
Related Appeals and Interferences	4
Status of Claims	5
Status of Amendments	6
Summary of Claimed Subject Matter	7
Grounds of Rejection to be Reviewed on Appeal	10
Argument	11
Conclusion	14
Claims Appendix	15
Evidence Appendix	21
Related Proceedings Appendix	22

**Real Party in Interest**

The real party in interest is the assignee of record:

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**Related Appeals and Interferences**

Following the Appellants' Brief of 28 April 2009, the Examiner has withdrawn the final rejection of 23 December 2008 and entered a new rejection dated 21 July 2009.

The Appellants assert that no other appeals or interferences are known to the Appellants, their legal representatives, or assignee, which will directly affect or be directly affected by, or have a bearing up a on, the decision of the Board in the pending appeal.

**Status of Claims**

Claims 1-17 and 20-28 have been rejected. Claims 18 and 19 have been cancelled. The Appellants hereby appeal from the rejection of Claims 1-17 and 20-28. The appealed Claims are set forth in the Claims Appendix.

All amendments to the Claims have been entered. No Claim has been allowed.

Customer No. 24498  
Ser. No. 10/549,253

PU040066

**Status of Amendments**

All amendments have been entered.

**Summary of Claimed Subject Matter**

The following is a recitation of independent Claims 1, 10 and 20, with reference to the instant specification and drawing:

1. A server apparatus (20, page 4, line 16), comprising:  
receiving means (21, page 6, line 4) for receiving broadcast signals;  
first processing means (28, 29, page 6, lines 9 and 10) for  
generating first analog signals responsive to said received signals;  
second processing means (31-33, page 6, lines 11-13) for generating  
second analog signals responsive to said received signals, wherein the first  
analog signals have a different encoding than the second analog signals  
(page 8, lines 7-12), and said first analog signals are provided to a first  
client device (50, page 4, line 12) via a transmission medium (page 4, lines  
17-19) connecting said server apparatus (20) and said first client device  
(50) in response to a first request signal (page 12, lines 20-28) requesting  
a first desired processed analog signal by identifying a first program and  
further wherein said second analog signals are provided to a second client  
device (60) via said transmission medium connecting said server  
apparatus (20) and said second client device (60) in response to a second  
request signal requesting a second desired processed analog signal by  
identifying a second program; and  
control means (35, page 12, line 23) for detecting available  
frequency bands on said transmission medium, wherein said available  
frequency bands are used to provide said first analog signals to said first  
client device (50) and to provide said second analog signals to said second  
client device (60), and  
means (21, lines 27-28) for causing said transmission medium to be  
shared between said processed analog signals and other broadcast signals  
distributed over said transmission medium.

10. A method (400) for distributing signals from a server apparatus to a first client device and a second client device, comprising steps of: receiving signals from a broadcast source (410, page 17, lines 4-5);

generating first analog signals responsive to said received signals (430, page 17, line 17);

generating second analog signals responsive to said received signals (440, page 18, lines 9-10), wherein the first analog signals have a different encoding than the second analog signals (page 18, lines 22-24;

detecting an available frequency band on said transmission medium (420, page 17, lines 10-12), wherein said available frequency band is used to provide said first analog signals to said first client device (page 18, lines 5-8);

providing said first analog signals to said first client device via a said transmission medium connecting said server apparatus and said first client device (450, page 18, line 31 to page 19, line 3) in response to a first request signal requesting a first desired analog signal by identifying a first program;

detecting an available frequency band on said transmission medium (420, page 19, lines 7-10), wherein said available frequency band is used to provide said second analog signals to said second client device; and

providing said second analog signals to said second client device via said transmission medium connecting said server apparatus and said second client device (460, page 19, lines 7-10) in response to a second request signal requesting a second desired analog signal by identifying a second program, thereby causing said transmission medium to be shared between said analog signals and other broadcast signals distributed over said transmission medium.

20. A server apparatus (20, page 4, line 16), comprising:



a receiving element (21, page 6, line 4) operative to receive broadcast signals;

first processing elements (28, 29, page 6, lines 9 and 10) operative to generate first analog signals responsive to said received signals;

second processing elements (31-33, page 6, lines 13) operative to generate second analog signals responsive to said received signals, wherein the first analog signals have a different encoding than the second analog signals (page 8, lines 12) and

a controller (35, page 12, line 23) operative to detect available frequency bands on said transmission medium, wherein said first analog signals are provided to a first client device (50) via a transmission medium connecting said server apparatus (20) in response to a first request signal (page 12, lines 20-28) requesting a first desired analog signal by identifying a first program and said first client device (50) and further wherein said second analog signals are provided to a second client device (60) via said transmission medium connecting said server apparatus (20) and said second client device (60) in response to a second request signal requesting a second desired analog signal by identifying a second program, and further wherein said available frequency bands are used to provide said first analog signals to said first client device (50) and to provide said second analog signals to said second client device (60).

**Grounds of Rejection to be Reviewed on Appeal**

1. Whether Claims 1-5, 8, 10-13, 16, 24 and 27 are patentable under 35 USC 103(a) over Thomas et al US 5,920,801 and Bucher US 6,678,737.
2. Whether Claims 6, 7, 14, 15, 25 and 26 are patentable under 35 USC 103(a) over Thomas et al US 5,920,801, Bucher US 6,678,737 and McCalley et al US 5,191,410.
3. Whether Claims 9, 17 and 28 are patentable under 35 USC 103(a) over Thomas et al US 5,920,801, Bucher US 6,678,737 and Dufour et al US 6,049,717.

### Argument

Claim 1 has been rejected under 35 USC 103 as unpatentable over US 5,920,801 to Thomas et al in view of US 6,678,737 to Bucher. Nowhere does either of the cited references show or suggest:

“second processing means for generating second analog signals responsive to said received signals, wherein the first analog signals have a different encoding than the second analog signals”,

as specifically set forth in Claim 1. The Examiner has admitted that Thomas et al. fails to disclose this feature, but asserts that this feature is found in Bucher. The Appellants cannot agree.

Bucher relates to a network arrangement which transmits signals in plural display formats. Nowhere does Bucher generate signals having different encodings. An example of signals having different encodings is set forth on page 5, lines 26 to 31, of the instant specification.

It is therefore clear that, even if the structure of Thomas et al were to be combined with the structure of Bucher, the invention defined by Claim 1 would not be obtained.

Claims 6 and 7, which are dependent from Claim 1, have been additionally rejected over US 5,191,410, to McCalley et al. McCalley et al relates to an interactive communications system in which signals, which have been selected by a user by means of a telephone line, are transmitted to the user by means of a CATV cable. Nowhere do McCalley et al show or suggest generation of signals having different encodings. The Examiner has not alleged such a showing. It is therefore clear that, even if the structure of Thomas et al were to be combined with the structures of Bucher and McCalley et al, the patentability of Claim 1 would not be affected.

Claim 9, which is dependent from Claim 1, has been additionally rejected over US 6,049,717 to Dufour et al. Dufour et al relates to a thee-

step frequency selection process in a cellular telephone system, which minimizes interference between mobile units. Nowhere do Dufour et al show or suggest generation of signals having different encodings. The Examiner has not alleged such a showing. It is therefore clear that, even if the structure of Thomas et al were to be combined with the structures of Bucher, McCalley et al, and Dufour et al, the patentability of Claim 1 would not be affected.

Claims 2-9 are dependent from Claim 1 and add further advantageous features. The Appellants submit that these subclaims are patentable as their parent Claim 1.

Similarly, nowhere does any of the cited references show or suggest:

“generating second analog signals responsive to said received signals, wherein the first analog signals have a different encoding than the second analog signals”,

as specifically recited in Claim 10. It is therefore clear that the patentability of Claim 10 is not affected by any of the cited references, taken either singly or in combination.

Claims 11 to 17 are dependent from Claim 10 and add further advantageous features. The Appellants submit that these subclaims are patentable as their parent Claim 10.

Similarly, nowhere does any of the cited references show or suggest:

“second processing elements operative to generate second analog signals responsive to said received signals, wherein the first analog signals have a different encoding than the second analog signals”,

as specifically set forth in Claim 20. It is therefore clear that the patentability of Claim 20 is not affected by any of the cited references, taken either singly or in combination.

Claims 21 to 28 are dependent from Claim 20 and add further advantageous features. The Appellants submit that these subclaims are patentable as their parent Claim 20.

It is therefore clear that:

1. Claims 1-5, 8, 10-13, 16, 24 and 27 are patentable under 35 USC 103(a) over Thomas et al US 5,920,801 and Bucher US 6,678,737;
2. Claims 6, 7, 14, 15, 25 and 26 are patentable under 35 USC 103(a) over Thomas et al US 5,920,801, Bucher US 6,678,737 and McCalley et al US 5,191,410; and
3. Claims 9, 17 and 28 are patentable under 35 USC 103(a) over Thomas et al US 5,920,801, Bucher US 6,678,737 and Dufour et al US 6,049,717.

Conclusion

The Appellants therefore submit that the rejection of Claims 1-17 and 20-28 should be reversed. A notice to that effect is respectfully solicited.

Respectfully submitted,

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## CLAIMS APPENDIX

1. A server apparatus (20), comprising:  
receiving means (21) for receiving broadcast signals;  
first processing means (28, 29) for generating first analog signals responsive to said received signals;  
second processing means (31-33) for generating second analog signals responsive to said received signals, wherein the first analog signals have a different encoding than the second analog signals, and said first analog signals are provided to a first client device (50) via a transmission medium connecting said server apparatus (20) and said first client device (50) in response to a first request signal requesting a first desired processed analog signal by identifying a first program and further wherein said second analog signals are provided to a second client device (60) via said transmission medium connecting said server apparatus (20) and said second client device (60) in response to a second request signal requesting a second desired processed analog signal by identifying a second program; and  
control means (35) for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first analog signals to said first client device (50) and to provide said second analog signals to said second client device (60), and  
means for causing said transmission medium to be shared between said processed analog signals and other broadcast signals distributed over said transmission medium.

2. The server apparatus (20) of claim 1, wherein said transmission medium includes RG-59 cable.

3. The server apparatus (20) of claim 1, wherein said broadcast source includes a satellite source.

4. The server apparatus (20) of claim 1, wherein said broadcast source includes a digital terrestrial source.

5. The server apparatus (20) of claim 1, wherein said receiving means (21) processes said received signals to generate a digital transport stream.

6. The server apparatus (20) of claim 5, wherein said first processing means (28, 29) includes:

A/V processing means (28) for processing said digital transport stream to generate analog baseband signals; and

modulating means (29) for modulating said analog baseband signals to generate said first analog signals.

7. The server apparatus (20) of claim 5, wherein said second processing means (31-33) includes:

encoding means (31) for encoding said digital transport stream to generate encoded digital signals;

digital-to-analog converting means (32) for converting said encoded digital signals to analog baseband signals; and

modulating means (33) for modulating said analog baseband signals to generate said second analog signals.

8. The server apparatus (20) of claim 1, wherein said control means (35) scans a plurality of frequency bands on said transmission medium to detect said available frequency bands.

9. The server apparatus (20) of claim 1, wherein said control means (35) detects said available frequency bands based on a user input which selects said available frequency bands.



10. A method (400) for distributing signals from a server apparatus to a first client device and a second client device, comprising steps of: receiving signals from a broadcast source (410);  
generating first analog signals responsive to said received signals (430);  
generating second analog signals responsive to said received signals (440), wherein the first analog signals have a different encoding than the second analog signals;  
detecting an available frequency band on said transmission medium (420), wherein said available frequency band is used to provide said first analog signals to said first client device;  
providing said first analog signals to said first client device via said transmission medium connecting said server apparatus and said first client device (450) in response to a first request signal requesting a first desired analog signal by identifying a first program;  
detecting an available frequency band on said transmission medium (420), wherein said available frequency band is used to provide said second analog signals to said second client device; and  
providing said second analog signals to said second client device via said transmission medium connecting said server apparatus and said second client device (460) in response to a second request signal requesting a second desired analog signal by identifying a second program, thereby causing said transmission medium to be shared between said analog signals and other broadcast signals distributed over said transmission medium.

11. The method (400) of claim 10, wherein said transmission medium includes RG-59 cable.

12. The method (400) of claim 10, wherein said broadcast source includes a satellite source.

13. The method (400) of claim 10, wherein said broadcast source includes a digital terrestrial source.

14. The method (400) of claim 10, wherein said step of generating said first analog signals (430) includes:

processing said received signals to generate a digital transport stream (432);

processing said digital transport stream to generate analog baseband signals (434); and

modulating said analog baseband signals to generate said first analog signals (436).

15. The method (400) of claim 10, wherein said step of generating said second analog signals (440) includes the steps of:

processing said received signals to generate a digital transport stream (442);

encoding said digital transport stream to generate encoded digital signals (444);

converting said encoded digital signals to analog baseband signals (446); and

modulating said analog baseband signals to generate said second analog signals (448).

16. The method (400) of claim 10, wherein said detecting step (420) includes scanning a plurality of frequency bands on said transmission medium to identify said available frequency band.

17. The method (400) of claim 10, wherein said detecting step (420) is performed based on a user input which selects said available frequency band.

20. A server apparatus (20), comprising:

a receiving element (21) operative to receive broadcast signals;  
first processing elements (28, 29) operative to generate first analog signals responsive to said received signals;

second processing elements (31-33) operative to generate second analog signals responsive to said received signals, wherein the first analog signals have a different encoding than the second analog signals;  
and

a controller (35) operative to detect available frequency bands on said transmission medium, wherein said first analog signals are provided to a first client device (50) via a transmission medium connecting said server apparatus (20) in response to a first request signal requesting a first desired analog signal by identifying a first program and said first client device (50) and further wherein said second analog signals are provided to a second client device (60) via said transmission medium connecting said server apparatus (20) and said second client device (60) in response to a second request signal requesting a second desired analog signal by identifying a second program, and further wherein said available frequency bands are used to provide said first analog signals to said first client device (50) and to provide said second analog signals to said second client device (60).

21. The server apparatus (20) of claim 20, wherein said transmission medium includes RG-59 cable.

22. The server apparatus (20) of claim 20, wherein said broadcast source includes a satellite source.

23. The server apparatus (20) of claim 20, wherein said broadcast source includes a digital terrestrial source.

24. The server apparatus (20) of claim 20, wherein said receiving element (21) is further operative to process said received signals to generate a digital transport stream.

25. The server apparatus (20) of claim 24, wherein said first processing elements (28, 29) include:

an A/V processor (28) operative to process said digital transport stream to generate analog baseband signals; and

a modulator (29) operative to modulate said analog baseband signals to generate said first analog signals.

26. The server apparatus (20) of claim 24, wherein said second processing elements (31-33) include:

an encoder (31) operative to encode said digital transport stream to generate encoded digital signals;

a digital-to-analog converter (32) operative to convert said encoded digital signals to analog baseband signals; and

a modulator (33) operative to modulate said analog baseband signals to generate said second analog signals.

27. The server apparatus (20) of claim 20, wherein said controller (35) scans a plurality of frequency bands on said transmission medium to detect said available frequency bands.

28. The server apparatus (20) of claim 20, wherein said controller (35) detects said available frequency bands based on a user input which selects said available frequency bands.

**Evidence Appendix**

The Appellants assert that there is no evidence to be submitted in accordance with this section.

**Related Proceedings Appendix**

The Appellants assert that there are no other proceedings related to this application other than the previous Appeal filed on 30 March 2009, which has been superseded by the Examiner's entry of a new rejection.